

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Smith	Team: Squad #7	CCRB Case #: 201800168	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/06/2018 9:00 PM	Location of Incident: [REDACTED]	Precinct: 121	18 Mo. SOL 7/6/2019	EO SOL 7/6/2019	
Date/Time CV Reported Sun, 01/07/2018 8:05 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 01/07/2018 8:05 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SSA John Todaro	05234	903307	121 PCT
2. POM Gary Leite	27464	948376	GANG SI
3. POM Richard Browne	00352	950113	GANG SI

Officer(s)	Allegation	Investigator Recommendation
A.POM Gary Leite	Abuse: Police Officer Gary Leite stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
B.POM Richard Browne	Abuse: Police Officer Richard Browne stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On January 7, 2018, § 87(2)(b) called the CCRB and filed this complaint.

On January 6, 2018, at approximately 9:00 p.m., Police Officer Gary Leite and Police Officer Richard Browne of the Staten Island Gang Squad stopped § 87(2)(b) in her vehicle while she was driving with her daughter, § 87(2)(b) in a parking lot near § 87(2)(b) in Staten Island (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). No summons or arrest resulted from this incident.

§ 87(4-b), § 87(2)(g)

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Gary Leite stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation B – Abuse of Authority: Police Officer Richard Browne stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) (01 Board Review) said she drove to the location to pick § 87(2)(b) up from her friend's house, and she waited in the parking lot of an apartment complex for approximately 15 minutes, until § 87(2)(b) entered the vehicle. To § 87(2)(b) knowledge, § 87(2)(b) did not violate any traffic laws while driving to the location or while driving to the parking lot. § 87(2)(b) began to drive out of the parking lot and was immediately stopped by PO Leite and PO Browne. PO Leite told § 87(2)(b) that he had observed her violate two traffic laws and thus followed her into the parking lot. PO Leite ordered § 87(2)(b) to produce her identification. § 87(2)(b) did not produce her license and registration, and told PO Leite that she never violated any traffic laws. PO Browne showed § 87(2)(b) his shield, and ordered § 87(2)(b) to produce her license again. § 87(2)(b) handed PO Browne her identification. PO Browne looked at her driver's license, and said, "Are you really that scared?" PO Browne walked away, and returned with § 87(2)(b) license approximately five minutes later.

§ 87(2)(b) (02 Board Review) provided a phone statement to the CCRB, which was generally consistent with § 87(2)(b) statement, but she was ultimately uncooperative with the investigation (See IAs for contact attempts).

PO Leite (03 Board Review) said he and PO Browne stopped § 87(2)(b)'s vehicle because she failed to use her turn signal while driving into the parking lot. PO Leite and PO Browne followed § 87(2)(b) into the parking lot, and observed her make an illegal U-turn in the parking lot. When the officers informed § 87(2)(b) that they had stopped her due to these traffic violations, § 87(2)(b) denied having done so. PO Leite asked both § 87(2)(b) and § 87(2)(b) for their driver's licenses, which they both provided. § 87(2)(b) appeared scared, so PO Leite gave § 87(2)(b) a warning. PO Leite never ran any warrant checks for either § 87(2)(b) or § 87(2)(b).

§ 87(2)(g)

PO Brown said he and PO Leite observed § 87(2)(b) make a U-turn without using a turn signal. PO Leite never informed PO Browne of why he only issued § 87(2)(b) a warning.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (09 Board Review).
- This is the first complaint to which § 87(2)(b) has been a party (10 Board Review).
- PO Leite has been a member-of-service for nine years and has been a subject in five complaints and 12 allegations, of which two were substantiated.
 - Case 201212775 involved one substantiated allegation of discourteous language against PO Leite. The Board recommended command discipline, which the NYPD imposed.
 - Case 201603474 involve one substantiated allegation of a stop of person. The Board recommended formalized training, and the penalty imposed by the NYPD is not listed.
 - § 87(4-b), § 87(2)(g)
- PO Browne has been a member-of-service for seven years and has been a subject in six complaints and 22 allegations, of which four were substantiated.
 - Case 201504300 involved one substantiated allegation of a search of a person. The Board recommended formalized training, and the penalty imposed by the NYPD is not listed.
 - Case 201702888 involved two substantiated allegations of a frisk, and one substantiated allegation of a search of a person. The Board recommended charges, and the penalty imposed by the NYPD is not listed.
 - § 87(4-b), § 87(2)(g)

- Sgt. Todaro has been a member-of-service for 24 years and has been a subject in 17 complaints and 51 allegations, seven of which were substantiated.
 - Case 200400822 involved one substantiated allegation of retaliatory summons. Sgt. Todaro was served with charges and the NYPD imposed him with instructions.
 - Case 200603776 involved three substantiated allegations: question and/or stop, threat of arrest, and frisk. Sgt. Todaro was served with charges for all three allegations and the NYPD imposed no disciplinary actions.
 - Case 201401094 involved three substantiated allegations: premises entered and/or searched, frisk, and search (of a person). Sgt. Todaro was found guilty at trial for the entry and frisk allegations. He forfeited a total of eight vacation days. The NYPD disposition regarding the substantiated search allegation is unknown.
 - § 87(4-b), § 87(2)(g)

Mediation, Civil and Criminal Histories

- The investigation determined that this complaint was unsuitable for mediation.
- On August 10, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (11 Board Review).
- According to the Office of the Court Administration (“OCA”), § 87(2)(b) has no history of convictions in New York City (12 Board Review).
- According to OCA, § 87(2)(b) has no history of convictions in New York City (13 Board Review).

Squad No.: 7

Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date